

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVERETT J. HAYES,

Defendant.

Case No. CR21-172RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial and Pretrial Motions Due Date." (Dkt. # 17). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 18), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, that the government provided discovery to the defense on November 3, 2021 and November 19, 2021, some of which is "protected" and may not be disclosed to defendant without his attorney present, and defense counsel requires additional time to meet with defendant to review this material and discuss all potential legal issues and sentencing consequences. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including May 30, 2022, Dkt. # 18, which will permit his trial to start on May 23, 2022.

IT IS FURTHER ORDERED that the period of time from the current trial date of December 27, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

Robert S. Lasnik
Robert S. Lasnik
United States District Judge